



Reprinted
March 1, 2005

SENATE BILL No. 536

DIGEST OF SB 536 (Updated February 28, 2005 8:31 pm - DI 102)

Citations Affected: IC 5-28; IC 22-4; noncode.

Synopsis: Skills 2016 training fund. Transfers the skills 2016 training fund (fund) to the economic development corporation (corporation). Requires the corporation to enter into an agreement with the department of workforce development (DWD) to administer the fund. Requires the secretary of commerce to allocate the money in the fund to employers and consortiums for worker training grants, after considering recommendations made by DWD. Requires that Ivy Tech State College be given special consideration to be the provider of training obtained through the fund when: (1) Ivy Tech courses meet the needs of an employer or consortium; and (2) Ivy Tech is the most cost effective provider. Establishes a sunset for the fund of December 31, 2008. Abolishes the incumbent workers training board. Repeals obsolete statutes concerning the fund.

Effective: Upon passage.

Clark, Drozda

January 20, 2005, read first time and referred to Committee on Economic Development and Technology.
February 22, 2005, amended, reported favorably — Do Pass.
February 28, 2005, read second time, amended, ordered engrossed.

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SB 536—LS 7955/DI 102+



First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

SENATE BILL No. 536

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 5-28-27 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON
3 PASSAGE]:

4 **Chapter 27. Skills 2016 Training Fund**

5 **Sec. 1. This chapter expires December 31, 2008.**

6 **Sec. 2. As used in this chapter, "fund" refers to the skills 2016**
7 **training fund established by section 3 of this chapter.**

8 **Sec. 3. (a) The skills 2016 training fund is established to do the**
9 **following:**

10 (1) **Administer the costs of the skills 2016 training program**
11 **established under IC 22-4-10.5.**

12 (2) **Undertake any program or activity that furthers the**
13 **purposes of IC 22-4-10.5.**

14 (3) **Refund skills 2016 training assessments erroneously**
15 **collected and deposited in the fund.**

16 **(b) The money in the fund shall be allocated as follows:**

17 (1) **An amount to be determined annually shall be set aside for**

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the payment of refunds from the fund.

(2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

(1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and

(2) is the most cost effective provider.

(d) The secretary of commerce shall allocate the money in the fund in accordance with subsections (b) and (c), after considering recommendations made by the department of workforce development.

(e) The corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund using money appropriated from the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) The fund consists of the following:

(1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging to the fund.

(3) Money received from the fund from any other source.

(4) Interest and penalties collected.

(i) Any balance in the fund does not lapse but is available continuously to the corporation for expenditures for the program established under IC 22-4-10.5 consistent with this chapter, after considering recommendations made by the department of workforce development.

SECTION 2. IC 22-4-10.5-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. This chapter expires December 31, 2008.

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SECTION 3. IC 22-4-10.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The skills 2016 training program is to be administered by the ~~department of workforce development~~ **Indiana economic development corporation** in the manner prescribed by ~~IC 22-4-18.3.~~ **IC 5-28-27.**

(b) **The Indiana economic development corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund.**

SECTION 4. IC 22-4-10.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a) After making the deposit required by subsection (b),~~ The department shall deposit skills 2016 training assessments paid to the department under this chapter in the skills 2016 training fund established by ~~IC 22-4-24.5-1.~~ **IC 5-28-27-2.**

~~(b) After June 30, 2003, Unless the board approves a lesser amount, the department annually shall deposit the first four hundred fifty thousand dollars (\$450,000) in skills 2016 training assessments paid to the department under this chapter in the special employment and training services fund established by IC 22-4-25-1 for the training and counseling assistance described in IC 22-4-25-1(f).~~

SECTION 5. IC 22-4-32-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) At any time within four (4) years after the date upon which any contributions, skills 2016 training assessments under IC 22-4-10.5-3, or interest thereon were paid, an employing unit which has paid such contributions, skills 2016 training assessments, or interest thereon may make application for a refund of such contributions, skills 2016 training assessments, or an adjustment thereon in connection with subsequent contribution payments or skills 2016 training assessments. The commissioner shall thereupon determine whether or not such contribution or skills 2016 training assessment, or interest or any portion thereof was erroneously paid or wrongfully assessed and notify the employing unit in writing of its decision.

(b) Such decision shall constitute the initial determination referred to in section 4 of this chapter and shall be subject to hearing and review as provided in sections 1 through 15 of this chapter.

(c) The commissioner may grant such application in whole or in part and may allow the employing unit to make an adjustment thereof without interest in connection with subsequent contribution payments or skills 2016 training assessments. If such adjustment cannot be made, the commissioner may refund such amounts, without interest, from the

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fund. For like cause and within the same period, adjustments or refund may be made on the commissioner's own initiative. Any adjustments or refunds of interest or penalties collected for contributions due under IC 22-4-10-1 shall be charged to and paid from the special employment and training services fund created by IC 22-4-25. Any adjustments or refunds of interest or penalties collected for skills 2016 training assessments due under IC 22-4-10.5-3 shall be charged to and paid from the skills 2016 training fund established by ~~IC 22-4-24.5-1~~. **IC 5-28-27-2.**

(d) If any assessment has become final by virtue of a decision of a liability administrative law judge with the result that no proceeding for judicial review as provided in this article was instituted, no refund or adjustment with respect to such assessment shall be made.

SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-4-18.3; IC 22-4-24.5-1; IC 22-4.5-2-5; IC 22-4.5-3-4.

SECTION 7. [EFFECTIVE UPON PASSAGE] **On the effective date of this act:**

(1) the skills 2016 training fund; and
 (2) all the money in the skills 2016 training fund; established by IC 22-4-24.5-1 (repealed by this act) are transferred to the Indiana economic development corporation and deposited in the skills 2016 training fund established by IC 5-28-27-2, as added by this act, and administered by the department of workforce development under an agreement between the Indiana economic development corporation and the department of workforce development.

SECTION 8. An emergency is declared for this act.

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COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill No. 536, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 4 and 5, begin a new paragraph and insert:

"Sec. 1. This chapter expires December 31, 2008."

Page 1, line 5, delete "Sec. 1." and insert **"Sec. 2."**

Page 1, line 6, delete "section 2" and insert **"section 3"**.

Page 1, line 7, delete "Sec. 2." and insert **"Sec. 3."**

Page 1, line 16, after "annually" insert **"by the Indiana economic development corporation"**.

Page 2, line 2, delete "employers, educational institutions," and insert **"employers"**.

Page 2, line 2, after "for" insert **"incumbent"**.

Page 2, line 3, delete "grants." and insert **"grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness."**

Page 2, between lines 3 and 4, begin a new paragraph and insert:

"(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

- (1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and**
- (2) is the most cost effective provider.**

(d) The secretary of commerce shall allocate the money in the fund in accordance with subsections (b) and (c)."

Page 2, line 4, delete "(c)" and insert **"(e)"**.

Page 2, line 4, delete "corporation" and insert **"department of workforce development"**.

Page 2, line 4, delete "fund." and insert **"fund using money appropriated from the fund."**

Page 2, line 5, delete "(d)" and insert **"(f)"**.

Page 2, line 7, delete "Interest that".

Page 2, delete line 8.

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Page 2, line 9, delete "(e)" and insert "(g)".

Page 2, line 11, delete "(f)" and insert "(h)".

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "(h)" and insert "(i)".

Page 2, between lines 22 and 23, begin a new paragraph and insert:
 "SECTION 2. IC 22-4-10.5-0.5 IS ADDED TO THE INDIANA
 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: **Sec. 0.5. This chapter expires
 December 31, 2008.**"

Page 2, line 29, strike "(a) After making the".

Page 2, line 30, strike "deposit required by subsection (b),".

Page 2, line 30, delete "the" and insert "The".

Page 2, line 34, strike "(b)".

Page 2, line 34, strike "Unless the board approves a lesser amount,".

Page 2, strike lines 35 through 39.

Page 3, line 33, delete "IC 22-4-10.5-9;".

Page 3, line 33, delete "IC 22-4-24.5-1." and insert "IC 22-4-24.5-1;
 IC 22-4.5-2-5; IC 22-4.5-3-4.".

Page 3, line 34, delete "July 1, 2005:" and insert "**the effective date
 of this act:**".

Page 3, line 40, delete "act." and insert "**act, and administered by
 the department of workforce development.**".

Page 3, after line 40, begin a new paragraph and insert:

"SECTION 8. **An emergency is declared for this act.**".

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 536 as introduced.)

FORD, Chairperson

Committee Vote: Yeas 5, Nays 2.

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SENATE MOTION

Madam President: I move that Senator Drozda be added as second author of Engrossed Senate Bill 536.

CLARK

SENATE MOTION

Madam President: I move that Senate Bill 536 be amended to read as follows:

Page 1, line 17, delete "by the Indiana".

Page 2, line 1, delete "economic development corporation".

Page 2, line 17, delete "(c)." and insert **"(c), after considering recommendations made by the department of workforce development."**

Page 2, line 18, after "The" insert **"corporation shall enter into an agreement with the"**.

Page 2, line 18, delete "shall" and insert **"for the department of workforce development to"**.

Page 2, between lines 29 and 30, begin a new line block indented and insert:

"(4) Interest and penalties collected."

Page 2, line 31, after "expenditures" insert **"for the program established under IC 22-4-10.5"**.

Page 2, line 32, delete "chapter." and insert **"chapter, after considering recommendations made by the department of workforce development."**

Page 2, line 38, after "Sec. 6." insert **"(a)"**.

Page 2, between lines 41 and 42, begin a new paragraph and insert:

"(b) The Indiana economic development corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund."

Page 4, line 15, delete "development." and insert **"development under an agreement between the Indiana economic development corporation and the department of workforce development."**

(Reference is to SB 536 as printed February 23, 2005.)

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